## **REMARKS**

This amendment is submitted in response to the Notice of Non-Compliant Amendment mailed May 8, 2009, in connection with the above-identified application (hereinafter, the "Office Action"). The Office Action provided a one-month shortened statutory period in which to respond, ending on June 8, 2009. Accordingly, this response is timely submitted.

Applicant has corrected the status identifier on the claim as shown in the listing of claims beginning on page 2 of this paper.

If a telephone interview would be of assistance in advancing the prosecution of the application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

Respectfully submitted,

Nestlé HealthCare Nutrition 12 Vreeland Road, 2<sup>nd</sup> Floor Florham Park, NJ 07932 (973) 593-7553

Dated: May 27, 2009

By:

Gary M. Lobel

Attorney for Applicant

Reg. No. 51,155